



Planning Commission Workshop Agenda

COUNCIL CHAMBERS BUILDING
CONFERENCE ROOM B2
OCTOBER 6, 2011
6:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

III. ITEM

ZTA11-01: A request for the Planning Commission to initiate a Zoning Text Amendment to amend the Zoning Ordinance to provide for a new definition and a new section to enact zoning regulations to permit Digital Billboards along the Loop 101 in the Sports and Entertainment District. Staff contact: Thomas Ritz, AICP, Senior Planner (City-Wide).

IV. OTHER BUSINESS

V. ADJOURNMENT

FOR SPECIAL ACCOMMODATIONS



Please contact Diana Figueroa at (623) 930-2808 or dfigueroa@glendaleaz.com at least three working days prior to the meeting if you require special accommodations due to a disability. Hearing impaired persons should call (623) 930-2197.



Planning Commission Workshop Staff Report

DATE: October 6, 2011 **AGENDA ITEM:** 1

TO: Planning Commission

FROM: Tabitha Perry, Principal Planner
PRESENTED BY: Thomas Ritz, AICP, Senior Planner

SUBJECT: **ZONING TEXT AMENDMENT APPLICATION ZTA11-01:
DIGITAL BILLBOARDS**

REQUEST: Initiate a Zoning Text Amendment to amend the Zoning Ordinance to provide for a new definition and a new section to enact zoning regulations to permit Digital Billboards along the Loop 101 in the Sports and Entertainment District.

REQUIRED ACTION: The Planning Commission must decide whether to initiate the requested Zoning Text Amendment. In doing so, the Commission should consider whether or not a public purpose would be served.

RECOMMENDATION: The Planning Commission should initiate the request.

PROPOSED MOTION: Move to initiate ZTA11-01 in preparation of a future public hearing.

SUMMARY: The amendment will establish a set of development standards to regulate Digital Billboards along the Loop 101 in the Sports and Entertainment District.

COMMISSION ACTION: Motion made by Commissioner _____ to initiate Zoning Text Amendment ZTA11-01 as written. Motion seconded by Commissioner _____. The motion was approved _ to _.

DETAILS OF REQUEST:

The proposed changes will result in the amendment of the zoning ordinance to address the placement of Digital Billboards. Only Digital Billboards will be considered as part of a new text amendment.

Property Location and Size:

The Zoning Text Amendment will propose that Digital Billboards be permitted along the Loop 101 between Northern Avenue and Camelback Road. They will continue to be prohibited in all other areas of the city. Unlike previous proposals, they will continue to be prohibited along Loop 101 between Bell Road and 51st Avenue and they will continue to be prohibited along the Loop 303 and Northern Parkway.

Digital Billboards will not be permitted along Grand Avenue. Also, the existing billboards will not be converted into Digital Billboards with changeable panels. Digital Billboards will not be permitted in the city's historic districts.

The Zoning Text Amendment will provide a new definition of Digital Billboards matching height, size, and frequency of advertisement change of the two existing billboards in the Sports and Entertainment District. Digital Billboards are proposed to be limited to sites zoned Planned Area Development (PAD) where significant development has already occurred. The amendment should require sites to have at least 1,000 feet of freeway frontage, and 1,400 feet between signs on a single PAD.

Passage of this Zoning Text Amendment should limit Digital Billboards to the Loop 101 between Northern Avenue and Camelback Road. Support for amendments to Planned Area Development to allow Digital Billboards at other locations is not intended.

Findings:

- This is a focused request, proposing an amendment which addresses a specific issue which continues to be of highest concern.
- A zoning ordinance amendment will demonstrate staff's responsiveness to the issue.
- Limiting the placement of Digital Billboards to the Sports and Entertainment District should satisfy concerns from the existing community located along the Loop 101.
- Digital Billboards should not be proposed on Grand Avenue.
- This request should not represent billboard creep, as existing billboards in Glendale will remain unchanged.
- Billboard companies have placed conventional billboards at scattered locations in Glendale on sites zoned C-3, M-1, and M-2.
- Staff would like to receive Commission input to eliminate C-3 as one of the zoning districts which allows conventional billboards.
- Eliminating C-3 would help protect existing established neighborhoods.
- MAG (Maricopa Association of Governments) has been working to prohibit billboards since 1987.

Analysis:

- By providing a new section concerning Digital Billboards, the current section that addresses billboards will remain unchanged. Existing billboards will not turn into Digital Billboards with changeable panels.
- A new section for Digital Billboards will ensure that proposed site locations have demonstrated a significant existing investment in the community, and prevent placement on small sites which could negatively impact neighboring residential areas.
- There is no support for amending the zoning on other properties to Planned Area Development to permit Digital Billboards.
- The amendment will emphasize that Digital Billboards are only to be erected in proximity to the Sports and Entertainment District.

RECOMMENDATION:

The Planning Commission should make a motion to initiate this request.

ATTACHMENTS: 1. Map of the Loop 101 Corridor where Digital Billboards might be erected.
2. Background Materials.

PROJECT MANAGER: Thomas Ritz, AICP, Senior Planner (623) 930-2588
tritz@glendaleaz.com

REVIEWED BY:



Planning Director

TR/df

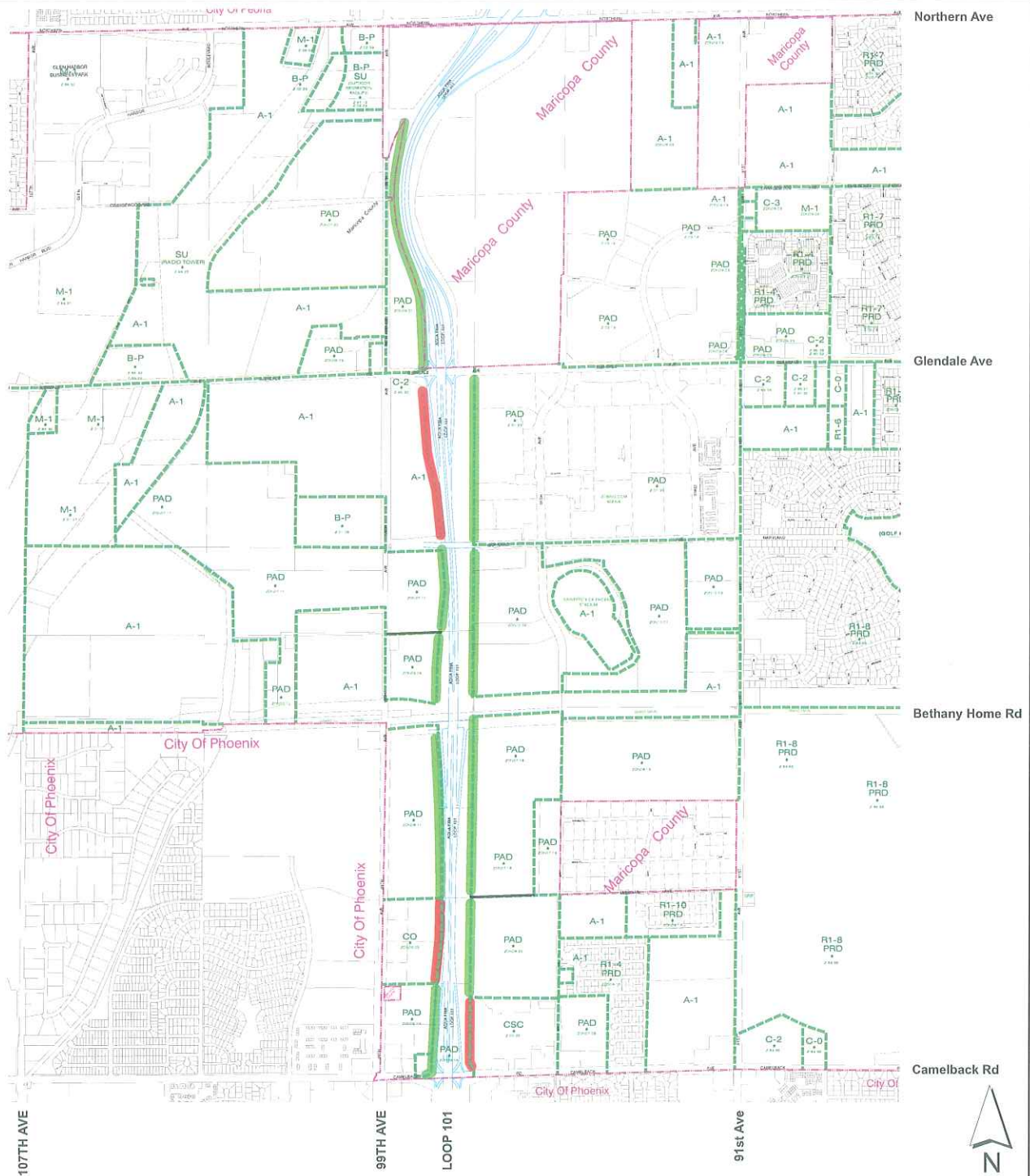


Deputy City Manager



Digital Billboard Signs

LOOP 101



LEGEND

- APPROVED PLANNED AREA DEVELOPMENT (PAD) INCLUDES AT LEAST 1,000 FEET OF LINEAR FRONTAGE
- LOT HAS 1,000 FEET OF LINEAR FRONTAGE AND IS NOT ZONED PAD (REZONE WOULD BE REQUIRED)

Benchmark of Community Billboard Stipulations

Community	Size/Height Restrictions	Light Intensity	Frequency Restrictions	Image Type Restrictions	Hours of Operation Allowed	Other Key Restrictions																		
Tempe, AZ	Determined in development agreement	Does not specify outside of dimming requirements for evenings	Static for at least 8 seconds	Images must be static. No animation, flashing, blinking, or moving lights	Sunrise to 11pm	1. Must be dimmed from sunset to 11pm to no brighter than 300 nits 2. No sense of movement from one image to the next 3. Network time available for city emergencies																		
Phoenix, AZ	672 sq/ft max 48 ft max height	Does not specify outside of dimming requirements for evenings	Static for at least 8 seconds	Images must be static. No animation, flashing, blinking, or moving lights	Sunrise to 11pm	1. Must be dimmed from sunset to 11pm to no brighter than 300 nits 2. No sense of movement from one image to the next 3. Network time available for city emergencies																		
Tolleson, AZ	672 sq/ft max 65 ft max height	6,000 nits max in daylight 500 nits max in evening	1. Static for at least 8 seconds 2. Max of two seconds to change from one image to the next	No animation, flashing, blinking, or moving lights	24 hours	1. Must be half mile apart in any direction 2. Must be 500 feet from freeway monument sign 3. Must have ambient light monitors to automatically adjust lighting																		
Tallahassee - Leon County, FL	380 sq/ft max 40ft max height	Brightness not to exceed below as measured in candelas <table><tr><td>Color</td><td>Day</td><td>Night</td></tr><tr><td>Red</td><td>200</td><td>67</td></tr><tr><td>Green</td><td>400</td><td>133</td></tr><tr><td>Amber</td><td>300</td><td>100</td></tr><tr><td>Blue</td><td>500</td><td>210</td></tr><tr><td>All</td><td>400</td><td>170</td></tr></table>	Color	Day	Night	Red	200	67	Green	400	133	Amber	300	100	Blue	500	210	All	400	170	Static for at least 6 seconds	No flashing lights, traveling messages, animation, or other movement allowed	24 hours	1. Must be located at least 200ft away from residentially zoned property
Color	Day	Night																						
Red	200	67																						
Green	400	133																						
Amber	300	100																						
Blue	500	210																						
All	400	170																						
Des Moines, Iowa	672 sq/ft max 45ft max height	5,000 candelas max in daylight 500 candelas max from dusk to day	Static for at least 8 seconds	Images must be static. May not scroll, flash, or feature motion pictures	24 hours	1. Must have ambient light monitors to automatically adjust lighting 2. Must be located at least 200ft away from residentially zoned property 3. Specific restrictions on distance from public facilities based on area of sign																		



MARICOPA ASSOCIATION OF GOVERNMENTS
Transportation & Planning Office

1739 West Jackson Street
Phoenix, Arizona 85007
(602) 255-7867

April 17, 1990

TO: Members of the MAG Regional Council

FROM: John Gendron, Chairman
MAG Billboard Task Force

SUBJECT: TASK FORCE ACTIVITIES AND NATIONAL BILLBOARD ACT

The purpose of this memo is to inform the Regional Council of recent Task Force activities and to recommend action on the National Billboard Act. At its April 11 Meeting, the Management Committee unanimously approved the recommendation to send a letter to the Arizona Congressional Delegation urging support of the National Billboard Control Act.

BACKGROUND

Since 1987, the MAG Billboard Task Force has worked with local jurisdictions to prohibit new billboards along the MAG Freeway/Expressway System and to remove existing non-conforming billboards. Several jurisdictions, including Maricopa County, Glendale, and Avondale, have adopted new regulations that essentially prohibit billboards along the MAG System. In addition, Guadalupe has recently reaffirmed its prohibition of all billboards and Peoria has adopted a sign ordinance that prohibits new billboards. Phoenix will soon be developing new sign regulations and the Task Force anticipates reviewing these draft regulations in the near future.

NATIONAL BILLBOARD CONTROL ACT

Since our last report to the Management Committee, the Task Force has been monitoring the progress of the National Billboard Control Act (HR 3389) which was introduced last fall by U.S. Representatives John Lewis and Clay Shaw. This Act amends the 1965 Highway Beautification Act by taking a much tougher stance on billboards along the Interstate system. If enacted, this Act would prohibit new billboard construction and would enable local jurisdictions to amortize non-conforming billboards. Under current law, non-conforming billboards can only be removed with cash compensation. It should be pointed out that in Arizona, the courts have ruled that amortization is not allowed under the existing state enabling legislation.

The Task Force believes HR 3389 represents a significant improvement to the Highway Beautification Act. In order to garner support for H.R. 3389, the Task Force would like the MAG Regional Council to urge the Arizona U.S. Senators and U.S. Representatives to support this bill.

OTHER TASK FORCE ACTIVITIES JULY, 1989 - APRIL, 1990

The Task Force has been monitoring several bills this session. A bill which would prohibit jurisdictions from requiring that non-conforming uses be removed upon redevelopment of property (SB 1148) was introduced again this year, but is not likely to be heard at all this session. Another bill, HB 2105, expands the logo sign program to any class of state highway in rural areas of the State.

A Senate amendment to HB 2105 would allow for electronic variable message displays for on-premise signs along the Interstate, Secondary, or Primary highway system, such as is being proposed along I-10 in Tempe. This amendment is not in accord with the adopted MAG position that on-premise signage along the freeways should be "limited in number, modest in size, and attractive in appearance." ADOT has interpreted the existing state regulations to prohibit these types of signage. ADOT is also concerned that this amendment would conflict with federal statutes and possibly impact federal funding.

Last September, the Task Force met with ADOT to discuss the ADOT Billboard Leasing Program. The Task Force has been concerned with this Leasing Program since ADOT continues to lease billboards on excess right-of-way in jurisdictions which permit billboards. It had been our understanding at one point that ADOT would discontinue this program. Since then, the Task Force has learned that ADOT is still leasing billboards on excess right-of-way. In light of this information, the Task Force approved the following motion:

While the MAG Billboard Task Force is not supportive of ADOT's billboard leasing program, the Task Force does not believe that this program is a significant problem at this time. The Task Force, does, however, support ADOT's effort to conform with local sign ordinances as well as ADOT's decision not to remove vegetation near billboards.

In January, the Billboard Task Force learned that the Salt River Project was going to begin terminating its 49 billboard leases. Due to the significance of this decision, the Task Force sent a letter to Jack Pfister, General Manager of SRP, expressing appreciation for this decision. SRP staff made the decision to phase out the billboard leases because it was felt that the existing lease program was incompatible with efforts to beautify and develop the canal system. The majority of the billboards leases are located in canal rights-of-way. Despite Task Force efforts to urge the Board of Directors to support SRP staff on this issue, the SRP Board of Directors decided on April 16 to reverse the SRP staff decision. Instead, the Board agreed to review billboard leases on a case-by-case basis when citizen complaints are received and/or canal redevelopment is proposed.

The Task Force has begun to explore how billboards are taxed in Maricopa County. There is concern that billboard owners are paying relatively low personal property taxes in comparison to the significant cash compensation that is required when jurisdictions desire to remove non-conforming billboards. The Task Force will be doing some more research on this issue in the coming months.

In regard to current billboard litigation in Arizona, some of the more important billboard court cases remain undecided. A decision pending in the 9th District Court of Appeals will determine whether local jurisdictions can prohibit billboards and require non-conforming billboards to be removed upon development of a site.

For further information or suggestions on the above items, please call me at 644-2199 or Terry Johnson of MAG staff at 255-7867.



Planning Department Memorandum

DATE: September 20, 2011

TO: Jon M. Froke, AICP, Planning Director

FROM: Thomas Ritz, AICP, Senior Planner

SUBJECT: Maximum Height and Area of Freeway Billboards in Other Cities

One of the issues that came out of our meeting with Horatio, Tabitha, and Somone on September 14, 2011 was to find out the maximum height and area of freeway billboards in Tempe, Phoenix, Tallahassee, Florida and Tacoma, Washington in order to determine if the City of Glendale's proposed Freeway Billboard Ordinance should be modified.

Tempe

No limit to height or area in the sign code, instead Tempe's code reads: "Sign shall be authorized through a development agreement that may be entered into at the discretion of the City Council".

Phoenix

The freeway sign face shall be a maximum of 672 square feet, with 20 percent embellishments permitted for a total maximum area 785 square feet.

Maximum height for freeway sign shall be forty-eight feet in C-3, A-1, and A-2 districts.

Embellishments may extend not more than five and one-half feet above or below the horizontal edges and three feet beyond any vertical edge of the sign structure face area.

All of the Phoenix BOA cases (8 on March 8, 2008, 1 on July 3, 2008) were conversions of existing billboards to electronic messages, and did not disturb the existing sign size or height.

Tallahassee

Sign surface area – Minimum 72 square feet, Maximum 380 square feet per face, except that an additional surface area of up to ten percent of the permitted sign face may be used as a temporary embellishment

The maximum height of off-site advertising signs shall be 40 feet measured from the edge of the roadway to which the sign is oriented.

Tacoma

Maximum area of one sign shall be 300 square feet, with a maximum vertical sign face of 12 feet and a maximum length of 25 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members; provided, cut-outs and extensions may add up to 20 percent of additional sign area.

The maximum height of all billboard signs shall be 30 feet, except in the PMI district, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed.

Cornerstone at Camelback, Glendale – Proposed to be allowed by right

Area of the billboard portion of the sign face – 675 square feet

Dimensions of the billboard portion of the sign face 14 feet high, 48 feet wide

Total height – 70 feet

City of Glendale, existing Freeway Billboard Signs on City of Glendale property and proposed standards for Zoning Text Amendment

Maximum Freeway Billboard Sign area must not exceed 675 square feet

Maximum Freeway Billboard Sign width 50 feet

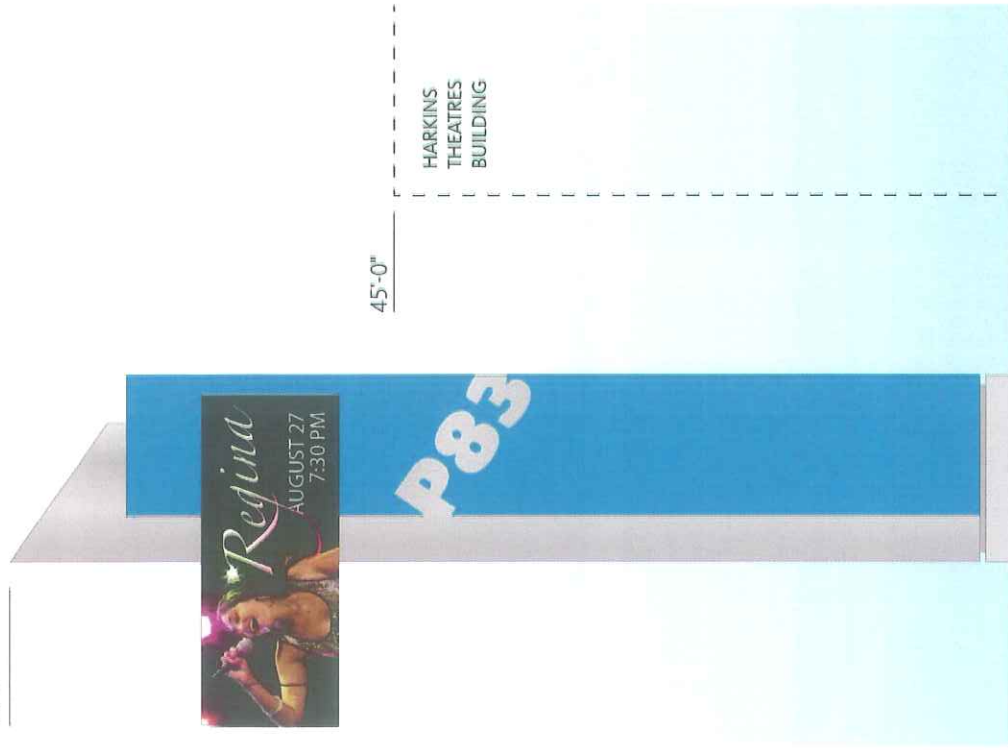
Maximum sign height, including any supporting structures, for a Freeway Billboard Sign must be no more than 80 feet

Given the standards for other cities and sites listed above, should any of the proposed standards for the Zoning Text Amendment be changed?

Proposed Loop 101 Digital Sign Placements

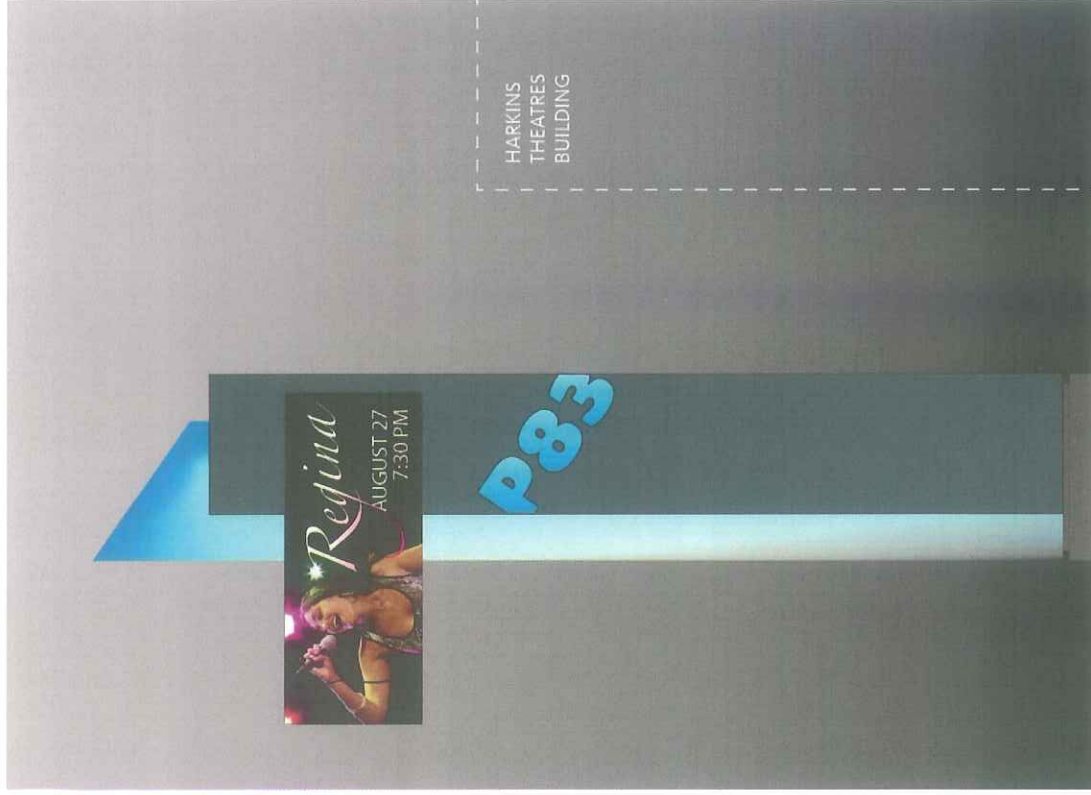


75'-0"



45'-0"

HARKINS
THEATRES
BUILDING



HARKINS
THEATRES
BUILDING

ELECTRONIC BILLBOARD (OPTION B)

Gensler

Peoria Entertainment District Identity & Experience Design Presentation



CONCEPT SKETCH | VIEW FROM LOOP 101 LOOKING NORTH

(OPTION A)

Gensler

Peoria Entertainment District Identity & Experience Design Presentation

City works to update billboard rules

By Michael Clancy
 The Arizona Republic

As Phoenix draws closer to considering a new billboard ordinance, the billboard companies appear to be rushing to get approvals before the new law can take place. In the midst of the debate, an organization has sprung up to oppose billboards, especially in neighborhoods.

The City Council turned away a quick fix to the issue of placing new digital billboards and digital billboard conversions around Phoenix. That was in February. The council asked the Planning and Development Department to come up with a revised billboard ordinance in a year.

The problem with the ordinance is not that it has been ineffective — although a dozen or more billboards have sprung up along freeways that the ordinance had

placed out of bounds. The problem is that the law fails to take into account the expansion of digital billboards, which change message every eight seconds.

The Planning Department appointed a committee to develop revisions, but its meetings were halted after three sessions when it appeared the billboard companies were dominating the discussion.

The committee turned the matter over to planner Kelly Kvetko, who expects to have a draft ordinance ready "in the next few weeks" for council consideration.

Council members generally have been opposed to new billboards. It was one such billboard, on Loop 101 at Cave Creek Road in northeast Phoenix, that prompted their requests for a revised ordinance. The council has been less clear about its position on digital conversions of older signs, although many council candidates were

generally opposed to new billboards and conversions of neighborhood sites.

That has not stopped billboard companies from seeking conversions both in neighborhoods and along freeways. Most of these decisions are made in a process that avoids the council and places decision making with the Board of Adjustment, a volunteer committee.

CBS Outdoor recently won permission to convert a billboard at 44th Street and Indian School Road as well as along Interstate 10 on the western side, where billboards supposedly are banned.

Clear Channel also has won conversions along freeways where the existing ordinance does not permit them.

"It seems like the city is treating conversions as a right, which it is not," said former Mayor Terry Goddard, who led the effort to pass the ordinance in 1986.

One problem is how the city treats non-compliant billboards — those that were in place but did not comply with the 1986 ordinance — by allowing those to be converted, Goddard said.

Of all the cases that have come before the city, the one at 44th Street and Indian School — where both CBS Outdoor and Clear Channel have structures — has drawn the most controversy.

It prompted brothers Bill and Joe Miller to create a website aimed at making it easy for citizens to voice their opinions.

The site, clearviewspheonix.com, provides contact information for council members and a petition opposing billboards.

"This is something I am passionate about," Joe Miller said. "It is unbelievable that the Board of Adjustment can ignore commonsense neighbors."

Glendale considers more billboards

By Cecilia Chan and Sonu Munshi
The Republic | acentral.com

They're tall, flashy and could be popping up along commuters' drive along West Valley freeways.

Glendale and Peoria are two of the latest Valley cities to consider adding freeway billboard signs.

For Peoria, it's a potential revenue stream. Glendale already makes money off digital billboards on city property along Loop 101 in the city's sports and entertainment district and now is considering regulations that would allow property owners to put up digital and static billboards as well.

The growing trend of digital billboards has led to debates in cities across the Valley and country.

Some say the signs are good for business, while others say they are an eyesore.

The jury is still out on the safety impacts of message-changing digital billboards on motorists.

Valley billboards

The Outdoor Advertising Association of America estimated 500 digital billboards along U.S. roads in 2006. By 2010, association spokesman Jeff Golimowski estimated about 1,800 digital billboards around the country.

The Valley has its share.

Cities such as Phoenix, Tempe, Tolleson and Glendale have allowed at least some digital billboards.

Digital billboards dot Interstate 10 and 17 in Phoenix, which has allowed existing static billboards to be converted to digital.

The Phoenix Board of Adjustment recently denied a request, which residents opposed, for a digital billboard near Arizona 51 and Bell Road. The Phoenix City Council considers Arizona 51 and the northern leg of Loop 101 from 51st Avenue to Scottsdale Road to be a scenic corridor.

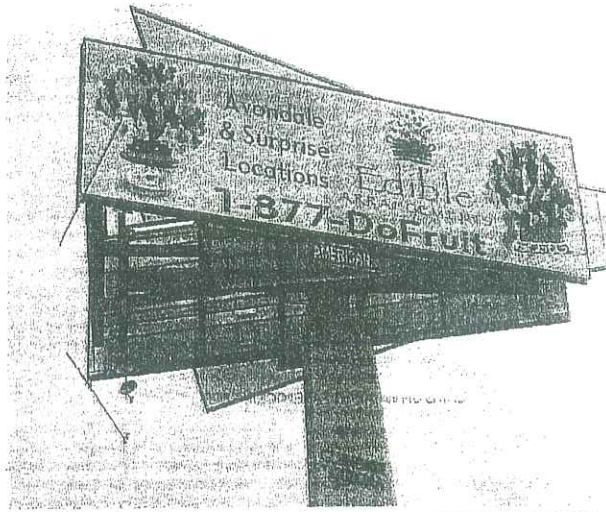
Phoenix is reworking its ordinance to take into account the requests for billboards.

Neither Phoenix nor Tempe collects revenue from the digital billboards because they are not on city land.

But the signs can generate money for cash-strapped cities.

Tolleson approved two billboards along Interstate 10 that, at \$6,000 a month, have poured \$126,000 into the general fund. The signs went up in late 2009.

The same year, Glendale had two digital billboards installed at a city-owned park-and-ride at Loop 101 and Glendale Avenue. Last fiscal year, each billboard generated \$10,140 per month for city coffers.



Digital billboards can be a revenue generator or an eyesore. CARRIE WATERS/THE REPUBLIC

Peoria eyes revenue

Peoria is considering allowing five digital signs along Loop 101 and a sixth near the Peoria Sports Complex on 83rd Avenue. The signs would either be on city-owned land or leased land.

Peoria wants to avoid locations that could intrude on residential neighborhoods. The City Council won't make a decision until public outreach is completed.

The plan is part of a proposed partnership with private developers who would build a mixed-use project near the sports complex. The city would pay a chunk of the cost to build two parking garages to make room for the commercial development. City leaders anticipate digital billboards could generate revenue for its share of the deal.

A city-commissioned study estimated each billboard along the freeway in Peoria would generate \$56,000 per month, \$16,000 per month for the 83rd Avenue digital sign and \$45,600 per month on 19 smaller signs in the 83rd Avenue entertainment district.

As for Glendale's far lower take, Richard Merritt, president of Scottsdale-based Elliott D. Pollack & Company, which completed the study, said he couldn't comment because he didn't know that city's revenue-sharing arrangement.

The study cautioned that more signs

along a road could lower the asking price for advertising. And if Peoria opens the door to billboards, other companies would come knocking for permits.

Glendale considers more signs

Glendale, neighboring Peoria to the north and south along Loop 101, is considering just that, whether to allow property owners to erect billboards, including digital and static.

Currently, the city's freeway billboards are decided on a case-by-case basis. The city has two digital signs and two static signs at Westgate City Center.

This summer, city planners proposed allowing digital and static billboards on Loop 101, Loop 303 and the future Northern Parkway once a property owner met a list of conditions, such as building 125,000 square feet of development that was ready for occupancy.

The proposal outlined that property owners would need only to go through a public hearing for a billboard along Loop 101 because of nearby residences.

Some residents criticized the proposal because it would lead to more billboards. On the opposite side, some property owners didn't like the idea that they would need a certain amount of development before they could erect such signs.

Glendale planning commissioners were

scheduled in October to take another look at the proposed billboard regulations but the city has since withdrawn the proposal, planning director Jon Froke said.

"There was too much opposition expressed by the public," Froke said.

He said staff will rework the proposal so it's more palatable. Froke didn't know when the issue would resurface.

Until then, a Glendale property owner who wants to erect an 80-foot-tall billboard along the city's freeways, would need to go through an extensive city review.

Opinions divided

Robert Sajdak, sales manager at Arrowhead Honda, near Loop 101 and Bell Road in Peoria, welcomed the prospect of billboard signs generating more foot traffic.

Sajdak said the dealership would definitely consider advertising on such digital billboards.

Byron Matthews, a photographer at Portrait Innovations in Park West near Loop 101 and Northern Avenues, said billboards could be a boost to the visibility of the shopping complex.

But others find freeway billboards distasteful.

Suellen Brady-Nugent, who lives in Arrowhead off Loop 101, is glad that Glendale dropped its sign regulations for now.

"I don't care how they will rework it," she said. "I am going to fight it. It's unsightly and it's an invasion on a neighborhood that already exists. We live in a nice neighborhood and it would show. It's tacky looking."

Others worried that digital billboards, which can change messages or images every eight seconds, distracted drivers.

No definitive study of the issue is yet available.

"I am not aware of any crash statistics regarding driver safety and billboards," AAA spokeswoman Linda Gorman said. But "anytime you add any sort of distraction whether it's inside a vehicle or outside a vehicle, it becomes a safety concern."

The Federal Highway Administration is finishing a study on digital billboards and their impact on drivers.

"It's a fairly new technology," spokesman Doug Hecox said. "This is the first time the federal government has looked at this. There may have been industry studies but this is the first objective, nonpartisan look at this issue."

He said the purpose of the study is to ensure there is scientific data for decisions on digital billboards.

Hecox said the study may be released at the end of this year.

Glendale and Peoria tackle freeway billboard regulations

by Cecilia Chan and Sonu Munshi - Sept. 14, 2011
08:58 AM
The Arizona Republic



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Sajdak said the dealership would definitely consider advertising on such digital billboards.

Byron Matthews, a photographer at Portrait Innovations in Park West near Loop 101 and Northern Avenues, said billboards could be

a boost to the visibility of the shopping complex.

But others find freeway billboards distasteful.

Suellen Brady-Nugent, who lives in Arrowhead off Loop 101, is glad that Glendale dropped its sign regulations for now.

"I don't care how they will rework it," she said. "I am going to fight it. It's unsightly and it's an invasion on a neighborhood that already exists. We live in a nice neighborhood and it would show. It's tacky looking."

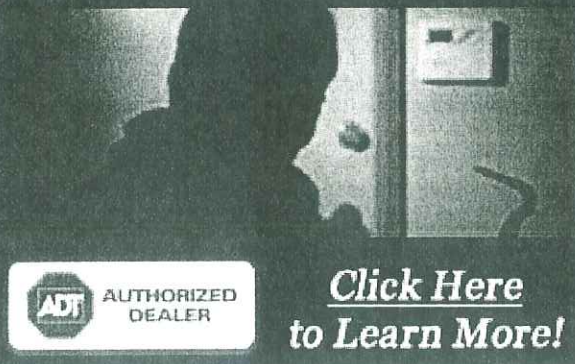
Others worried that digital billboards, which can change messages or images every eight seconds, distracted drivers.

No definitive study of the issue is yet available.

"I am not aware of any crash statistics regarding driver safety and billboards," AAA spokeswoman Linda Gorman said. But "anytime you add any sort of distraction whether it's inside a vehicle or outside a

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vehicle, it becomes a safety concern."

The Federal Highway Administration is finishing a study on digital billboards and their impact on drivers.

"It's a fairly new technology," spokesman Doug Hecox said. "This is the first time the federal government has looked at this. There may have been industry studies but this is the first objective, nonpartisan look at this issue."

He said the purpose of the study is to ensure there is scientific data for decisions on digital billboards.

Hecox said the study may be released at the end of this year.

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Phoenix billboard issues stir up controversy

by Michael Clancy - Sept. 14, 2011 11:04 AM
The Arizona Republic

As Phoenix draws closer to considering a new billboard ordinance, the billboard companies appear to be rushing to get approvals before the new law can take place. In the midst of the debate, a new organization has sprung up to oppose billboards, especially in neighborhoods.

The City Council turned away a quick fix to the issue of placing new digital billboards and digital billboard conversions around Phoenix. That was in February. The council asked the Planning and Development Department to come up with a revised billboard ordinance in a year.

The problem with the current ordinance is not that it has been ineffective - although a dozen or more billboards have sprung up along freeways that the ordinance had placed out of bounds. The problem is that the law fails to take into account the expansion of digital billboards, which change message every eight seconds.

The Planning Department appointed a committee to develop revisions, but its meetings were halted after three sessions when it appeared the billboard companies were dominating the discussion.

The committee turned the matter over to planner Kelly Kvetko, who expects to have a draft ordinance ready "in the next few weeks" for council consideration.

Council members generally have been

opposed to new billboards. It was one such billboard - on Loop 101 at Cave Creek Road in northeast Phoenix - that prompted their requests for a revised ordinance. The council has been less clear about its position on digital conversions of older signs, although many council candidates were generally opposed to new billboards and conversions of neighborhood sites.

That has not stopped billboard companies from seeking conversions both in neighborhoods and along freeways. Most of these decisions are made in a process that avoids the council and places decision making with the Board of Adjustment, a volunteer committee.

CBS Outdoor recently won permission to convert a billboard at 44th Street and Indian School Road as well as along Interstate 10 on the west side, where billboards supposedly are banned.

Clear Channel also has won conversions along freeways, including Arizona 143 near Phoenix Sky Harbor International Airport, where the existing ordinance does not permit them.

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"It seems like the city is treating conversions as a right, which it is not," said former Mayor Terry Goddard, who led the effort to pass the current ordinance in 1986.

One problem is how the city treats noncompliant billboards - those that were in place but did not comply with the 1986 ordinance - by allowing those to be converted, Goddard said.

Of all the cases that have come before the city, the one at 44th Street and Indian School - where both CBS Outdoor and Clear Channel have structures - has drawn the most controversy.

It prompted brothers Bill and Joe Miller to create a website aimed at making it easy for citizens to voice their opinions.

The site, clearviewsphoenix.com, provides contact information for council members and a petition opposing billboards.

"This is something I am passionate about," Joe Miller said. "It is unbelievable that the Board of Adjustment can ignore commonsense neighbors."

Their website makes the following statement:

"Phoenix stands at a critical moment in time. As you read this, city staff and Phoenix City Council are considering changes to the laws governing billboards. These changes could potentially allow for signage - including flashing digital billboards - in naturally scenic freeway areas like the 51 and the 101, as well as an explosion of billboards along surface streets near homes and small businesses. If you care about protecting what makes our city unique, surely you agree that this visual blight must be prevented."

Goddard points out that many cities in the state, including Tucson, Flagstaff and Mesa, prohibit any new billboards. Major cities nationwide are cracking down too, including San Francisco, Los Angeles and San Diego. Dallas has banned billboards since 2000, and Portland, Ore., since 1991.

Other cities' conversion rules are less clear. But Mark Mayer of Scenic Arizona, an organization that supports strong controls over billboards, said most cities with strong billboard ordinances do not allow them, especially on nonconforming structures.

He said arguments made in favor of conversions are flawed. For example, industry arguments that the lighting is not as bright are incorrect, he said.

"If you know the law and the limits on conversions, they should be permitted in no jurisdiction," he said. "The goal with nonconforming billboards is that they be removed. You don't permit large investments in nonconforming structures."

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Salt River tribe reviews billboard restrictions

By Peter Corbett
The Arizona Republic

The Loop 101 corridor through Scottsdale is largely free of signs that would obscure views of the McDowell Mountains and more distant peaks.

Scottsdale voters enacted a ban on new billboards in 1969, and there is only one left in the city, at McDowell and Miller roads.

The Salt River Pima-Maricopa Indian Community has shunned signs along the Pima Freeway as well, with the exception of some large monument signs for office parks and towering electronic message boards near the two Casino Arizona gambling halls.

But now tribal leaders are reviewing the community's sign ordinance at the request of Salt River Devco, the tribe's development arm.

The Salt River tribe takes a cautious approach to development, President Diane Enos said, and will take its time to evaluate the effects on any new signage.

"Nobody is going to see these digital signs popping

up next week or next month," she said.

The Salt River tribe is among the Valley communities taking a closer look at their sign ordinances, particularly in light of new technology. Phoenix's Planning Department is drafting a new billboard ordinance after a controversial electronic sign was allowed along Loop 101 at Cave Creek Road.

"This is something that has been touted as a way to generate revenue," Enos said of the proposed sign-code review. "I'm not sure we've really assessed the potential effects."

Salt River's sign ordinance includes a preface that the policy is intended "to preserve the natural beauty and the unique character of the community."

The ordinance has no provisions for electronic billboards.

That kind of use would require a variance, said Janet Johnson, Salt River community-relations director.

The tribe allows 21 static billboards on the reservation east of Scottsdale.

Most of those signs are

along McDowell Road east of Loop 101 and on the Bee-line Highway, Johnson said.

"This would change the face of our community all around our border," she said.

It's unclear how long it will take tribal leaders to review the current sign ordinance.

Allowing new signage along Loop 101 just east of the Scottsdale border could alter the view corridors along the freeway.

Salt River officials have not approached Scottsdale about any changes to the community's sign ordinance, city spokesman Mike Phillips said.

Scottsdale revised its sign code in 2003.

Scottsdale's ordinance was one of the nation's toughest sign codes when it was enacted more than 40 years ago.

Despite that, the code has not reined in the odd, colorful signs a disgruntled citizen erected southeast of Pima and Happy Valley roads.

Those signs, aimed at city leaders, are considered forms of protected free speech.

News

Glendale panel delays vote on billboard regulation

by Cecilia Chan - Aug. 7, 2011 09:18 PM
The Arizona Republic

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The Glendale Planning Commission delayed recommendation on a controversial set of rules allowing freeway billboard signs on Loops 101 and 303 and the future Northern Parkway.

The matter was continued to Oct. 6 after two of five commissioners and some speakers at last week's meeting objected to the staff-recommended proposal. The issue was originally discussed in June.

Staff threw in a last-minute safeguard for nearby homes that would require an application for a conditional use permit for billboards on Loop 101, which would trigger a public hearing. Previously, freeway billboards, including electronic ones, could be erected without public input once the property owner met a list of conditions.

But that didn't satisfy resident Suellen Brady-Nugent. She said 80-foot-high billboards on Loop 101 would be visible to residents in the Arrowhead community.

"Our homes are destinations to relax," Brady-Nugent said. "Not to see billboards blaring."

She added that billboards would cause property values to drop and would distract drivers. Staff provided studies from sources, including transportation departments in other states, that showed electronic billboards did not cause more crashes.

Attorney Jon Paladini and his client Ronald Rovey, member of a longtime farming family with land interests in the city, also spoke against the proposal on the grounds it was unfair to private landowners.

Rovey said his family has supported the city over the years but could not in this case. He and Paladini opposed the requirement that 125,000 square feet of development ready for occupancy was needed before a sign could be erected. They question how the city could approve two revenue-generating freeway billboard signs on its park-and-ride lot, which lacks surrounding development, yet impose tougher standards for private landowners.

Commissioner Robert Petrone said no one in his Cholla District supported the proposal and he needed a "good, useable plan" before he could approve it.

Commission Chairman John Kolodziej said he was satisfied that billboards are safe and liked the requirement of a conditional use permit, which afforded an extra level of protection for residents.

Planning Director Jon Froke recommended continuing the issue so staff could have more time to work with property owners and residents.

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[2]

Peoria mulls digital billboards to fund parking garages

by Sonu Munshi - Aug. 25, 2011 11:14 AM
The Arizona Republic

Motorists could see digital billboards sprout along Peoria's section of Loop 101 to help the city pay for parking garages near the Peoria Sports Complex.

Two proposed parking garages would make room for private developers to build a four-star hotel, restaurants, retail shops, lofts and offices. The 500,000 square-foot commercial project is proposed on what is now a city-owned 17-acre parking lot west of the sports complex.

The idea being discussed is that the city would largely pay the estimated \$42.2 million for the two garages totaling 2,020 spaces to make up for the lost surface lots. One would be near Harkins Theatre and the other on the city-owned parking lot at the sports complex. "Without financing there's no garages, without garages there's no project," Peoria Economic Development Director Scott Whyte told the City Council Tuesday. Revenue generated from digital billboards along the freeway and within the entertainment district near 83rd Avenue and Bell Road would help pay for the garages.

Such signs would be a first for Peoria.

Council members wanted more details, but embraced the overall project.

City leaders say the development would draw people from neighboring communities to the

high-profile 83rd Avenue strip. They say it would bring jobs, city sales-tax revenue and distinguish the already popular spot from other entertainment options in the Northwest Valley.

Peoria in March entered exclusive negotiations for the project with Osage West LLC, which includes Peoria developer Mike Oliver and Osage LLC, a business arm of the Oklahoma-based Osage Nation.

Mayor Bob Barrett said he wished they could just wave a wand and have it in place tomorrow.

The city still must conduct several studies, reach out to residents and decide whether to give the project the go-ahead. There is no timeline yet for construction.

Concept

Part of the plan, which earned council's praise, is to make the area from the Harkins Theatre to the ballpark more pedestrian-friendly. Staff says doing so would attract people and keep them longer to spend dining, entertainment and shopping dollars.

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Whyte said the project would be successful only if the area was distinguished from other entertainment options. "We have to see how to foster a sense of place; we need to infuse identity," Whyte said.

He said the area already brings in crowds, but there is some confusion about its identity. Some call it restaurant row. Others call it the entertainment district. Without a clear identity, it is hard to promote. Whyte said signs, lighting, public art and a name such as Peoria Eighty Three or P83 which could be used on the signs would distinguish the area. Matt Lamont, a Valley architect and planner retained by Osage West, said taller buildings, shade structures, kiosks, and the use of signs would help make the project distinct.

Officials say this is the right place for the project because of existing infrastructure and the demographics around busy Bell Road.

Lamont said West Valley residents currently drive to Scottsdale or downtown Tempe for unique experiences beyond the discount retail-type environment. The area's existing retail offers a "grab and go" experience, he said, meaning people drive to the store to shop and leave.

"It's an underserved market," Lamont said.

Financing

Osage West would pay to build five billboards along Loop 101 and one within the entertainment district, along with other smaller signs. The cost is estimated around \$4.4 million, although that is still being worked out.

In return, the current proposal is for Osage to keep all the advertising revenue the first two years to help pay for the construction. After that, the city would get 80 percent and the developer's share would drop to 20 percent for the next 15 years.

Peoria would pay the bulk of the costs to build the parking garages by selling Municipal Development Authority Bonds, which do not require voter approval. The bonds would be paid over 15 years with the money generated from the billboards.

The ad revenue, expected to hit \$25.6 million in 15 years, would not fully cover the construction costs on the garages. The city would pay the rest, about \$16.6 million, from a City Council-adopted half-cent sales tax. That pot of money is primarily used to pay for the City Hall complex. Under council policy, any extra revenue generated can go toward economic-development projects.

Questions

Councilman Ron Aames questioned whether West Valley residents, accustomed to surface parking, would embrace parking garages.

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Councilwoman Joan Evans called covered parking an "an asset" because it provides shade.

Other issues include working out deals with Harkins Theatre and agencies such as the Peoria Unified School District or Maricopa County for the placement and leasing of space for garages and billboard signs.

Whyte said this is the first of many steps, including traffic and parking analysis. One key point would be to ensure billboards would not impact nearby residents. Residents and other stakeholders will be approached for feedback.

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An advertisement for SkinIt. The top text says "Make it Yours™". Below that, it says "Browse thousands of designs for over 3,000 devices." and "Get 15% off with code: SAVE15". There is a "15% OFF" coupon graphic. The image shows several mobile devices (phones, tablets) with custom designs. At the bottom, there is a "Browse Designs" button and the "skin it" logo.

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4 Phoenix billboards on hearing officer's agenda

by Michael Clancy - Aug. 24, 2011 01:20 PM
The Arizona Republic



A Phoenix zoning hearing officer on Thursday will consider requests for four electronic billboards. Billboard companies, which appeared to be ready to hold off on new applications until the city passes a revised billboard ordinance, proceeded with the requests. The meeting is at 1:30 p.m. at Phoenix City Hall, 200 W. Washington

St. The requests are below.

17621 N. Black Canyon Highway

The site is near the Utopia Road-Yorkshire Drive exit, south of Loop 101. Becker Boards is seeking approval for an electronic display on the south face of the billboard.

2110 S. Seventh Ave.

CBS

Outdoor is behind the request to convert an existing billboard's west face to electronic. The location is at Seventh Avenue and Interstate 17.

1237 N. 57th Ave.

CBS Outdoor wants to convert an existing billboard to electronic. The location is on the south side of Interstate 10.

2116 E. Indian School Road

CBS Outdoor wants to convert the west face to digital on an existing billboard. It is the only one of the group not to be located within view of a freeway.

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Planning Commission to ponder billboards

By Cecilia Chan

The Republic | azcentral.com

The Glendale Planning Commission will take another crack at a proposal to regulate when and where billboards can be erected along freeways.

The commission first looked at the issue in June, but tabled it over concerns that flashing electronic billboards could distract drivers. The regulation is for electronic and static billboards near freeways.

Commissioners on Thursday will review staff's proposal, which includes restricting the signs to Loops 101 and 303 and the future Northern Parkway. The commission's recommendation will be forwarded to the City Council for approval at a later date.

Freeway signs are now decided on a case-by-case basis. There are four such signs in the city, two at the city's park-and-ride lot and two at Westgate City Center, both near Loop 101.

The proposal doesn't affect the city's existing regulations on non-freeway billboards. Glendale already limits those billboards, most typically seen along Grand Avenue and in other older sections of the city, to 25 feet tall.

The proposal would cap freeway billboards at a height of 80 feet.

The proposal also would require freeway billboards to be on "larger pieces of land with larger freeway frontage," senior planner Thomas Ritz said.

"If there were no billboard regulations you would see big billboards (and) small billboards, wherever people wanted to put their billboards," Ritz said. "This has been carefully considered to balance the opportunities for freeway billboard signs where significant investment on parcels with large amount of frontage has occurred and is proposed to keep these out of smaller pieces of property near neighborhoods."

The issue spurred a lively discussion at the June meeting.

Commissioner Rod Williams voiced concerns with safety.

"People are driving fast, texting and yet we are allowing a third distraction," Williams said, noting the allowance for electronic signs that can change messages or images every eight seconds. "I want more information on highway safety, the number of accidents caused by these signs. I want more information before I will support this."

Commissioner Frank Petrone said he is pro-business yet he agreed with Williams

PLANNING MEETING

What: Glendale Planning Commission.

When: 7 p.m., Thursday.

Where: City Council Chambers, 5850 W. Glendale Ave.

FREEWAY BILLBOARD RULES

The Glendale Planning Commission on Thursday will look at regulations for erecting freeway billboard signs. The signs would be permitted in certain areas along Loop 101, Loop 303 and Northern Parkway.

See the full list of proposed requirements at www.glendaleaz.com/planning/documents/ZTA09-01July19_2011Draft-Text.pdf

on safety.

"I'm not sure I know enough to vote on this," Petrone said.

Commissioner Gary Sherwood said he saw electronic signs as "a good thing because it always refreshes information and is a good moneymaker for businesses."

Another piece of the proposed regulation that drew scrutiny last month was a requirement that a non-residential lot must first have 125,000 square feet of development before erecting a billboard.

Attorney Jon Paladini called it "unfair" because Glendale has two electronic billboards on city-owned land that doesn't have that much development. The city receives revenue from Phoenix-based American Outdoor Advertising, which pays Glendale for use of the land.

Paladini said the proposed regulation puts a hurdle on property owners "unless they invest a substantial amount of money into a development."

Attorney Nick Wood agreed with staff that billboards should not be erected on a vacant site, but he suggested lowering the threshold to 100,000 square feet.

"I think we need to have a balance," Wood said. "You have to have some structural development."

Ritz said the proposal returning to the Planning Commission sticks with the 125,000-square-foot requirement.

Staffers will provide the commissioners with a report from the billboard industry, which concluded "there is no increase in accidents due to these billboards."

2011

City of Phoenix

STIPULATIONS FOR DIGITAL BILLBOARDS

STIPULATIONS:

- 1) Copy changes shall not occur more frequently than every eight seconds.
- 2) Copy image shall be static with no animation and with no flashing, blinking or moving lights.
- 3) In the transition between copy changes, there shall be no sense of movement from 1 image to the next.
- 4) Dimmer on sign shall be set in evening hours (from sunset to 11:00 p.m.) not to exceed 300 nits to ensure compliance with current ordinance standard for illumination.
- 5) From 11:00 p.m. until sunrise all sign illumination shall be extinguished and sign shall be equipped with automatic device to assure compliance. The only exception to this stipulation will be for amber alerts and other governmental emergencies under stipulation #6.
- 6) Network time shall be made available on the digital sign faces to the City of Phoenix for emergency messaging – messages to override all copy for 1 hour, then display for 8 seconds in every minute, as long as needed.
- 7) 1 year to apply for permits.

Digital sign boon for auto mall, Avondale

By David Madrid

The Arizona Republic

The 75-foot-tall digital sign near Interstate 10 and Loop 101 is a powerful advertising tool for auto dealers at the Avondale Auto Mall.

The state-of-the-art, full-color LED display is an effective sign with which the dealers and the city seek to grab the attention of the occupants of 175,000 vehicles a day that pass on I-10.

The sign is designed to lure drivers to the mall with advertising and special deals. It is said to be a much-needed improvement over the old, static monument sign that stood there before.

The sign attracts customers in an economy that hasn't been all that friendly to car sales the past couple of years.

The Avondale Auto Mall, south of I-10, is one of Avondale's top sales-tax-revenue generators and a significant employer.

Mike Little, general manager of Avondale Nissan, 10305 W. Papago Freeway, said the sign has helped.

Consider drivers on the freeway, he said.

"A lot of them are sitting in gridlock, so they can't get away from us," Little said.

Car sales have picked up considerably. The dealers at the mall have seen about a 30 percent increase in sales over last year, Little said.

Although that can't all be attributed to the sign that rotates messages every eight seconds, it has helped significantly, he said. The sign has been working since earlier this year.

A major reason for the increase in sales is that manufacturers have been much more aggressive in offering incentives to dealers and buyers.

"They've created better interest rates as well as money back to the consumer and dealer that they just didn't do a year ago," Little said.

He said sales have been helped by a slightly better economy and more lenders returning to the automotive sector and aggressively looking for customers.

And then there is the digital sign.

Little said that Dan Davis, Avondale's economic-development director, believed the sign should tout Avondale's low sales-tax rate of 1.5 percent on retail purchases of more than \$5,000.

The sign has given the auto dealers of the mall a huge advantage, Little said. Just as people think of Anthem when they think of factory outlet malls, people are beginning to think of the auto mall when they think of Avondale, he said.

Davis said the city met with the auto dealers and assisted them in transforming the old pylon sign into a \$736,000 dig-



Santiago Roman details a vehicle at Avondale Nissan. The dealership's general manager said car sales have picked up.

AVONDALE AUTO MALL DIGITAL-SIGN DIMENSIONS

Digital-sign height: 75 feet.

Display-screen width: 33 feet, 11 inches.

Display-screen height: 19 feet, 10 inches.

Display width: 5 feet.

ital sign that includes the city in the ad rotation. Avondale gets one advertisement out of every five ad rotations to promote city facilities and city-sponsored programs, events and services.

"We've had a few different things up there," Davis said.

"In the spring, we had the Tres Rios Nature Festival. A couple of weeks prior to that we ran a rotation promoting that event.

"We've tried to focus in on community-wide type of events or general messages, whether it's the auto mall or shopping in Avondale, things of the general nature that are either community-service type of messages or messages that promote economic activity in Avondale," he said.

Davis said if the city were to rent advertising space on a digital billboard, he estimates it could cost \$3,000 to \$4,000 a month.

"So essentially, we're getting that for free," he said.

The city paid the initial \$78,400 down payment to build the sign, Davis said.

The refundable deposit will be repaid to the city by the auto dealers over four years in annual installments of \$19,600.

Avondale approved an agreement with the Avondale Auto Mall Advertising Association Inc. to build the sign on Sept. 20.

The city and dealerships formed the association to advertise in a collaborative manner.

"We should have thought of it a long time ago," Little said.

Residents' suit challenges Loop 101 billboard

by Michael Clancy - Jun. 14, 2011 10:12 AM
The Arizona Republic

The CBS Outdoor billboard at Loop 101 and 32nd Street is the target of a lawsuit filed by neighbors who live east of the site.

The suit was filed by attorney Sal Rivera on behalf of Mitch Wiggernhorn, Chad and Chelsea Purtell, and Christina Ausick and Christen Rope, who live near each other on the western side of Wildcat Ridge and Fireside at Desert Ridge, near Pinnacle High School.

The homes are about a half mile from the billboard site, most of that open space.

The billboard, which began to operate in May, has been challenged on several fronts.

The city's planning staff rejected it because it appeared to violate the billboard ordinance, which requires that billboards be on arterial streets. Neither 32nd Street nor Mohawk Lane is deemed an arterial on the city's official street classification map.

A hearing officer agreed with staff, but the Board of Adjustment approved the billboard with a bare quorum present.

An effort to challenge the decision in court was declined by the City Council, and a Planning Commission member's effort to keep the suit alive failed because he lived too far from the billboard.

Most recently, Phoenix development staff refused to allow an electronic sign on the

western side of the structure, noting that a residentially-zoned property is adjacent. City law says illuminated billboards must not be visible from adjacent residential areas.

The neighbors say the electronic side of the billboard is visible from their yards and homes, even if they are not specifically adjacent to the site.

Rivera said the lawsuit argues that permits and variances for the billboard were granted improperly, that the billboard is unlawful in that area, and that it has a negative effect on the Wildcat Ridge neighborhood.

The variances included a height of 70 feet for the structure.

"Operation of the LED billboard is detrimental to plaintiffs' use and enjoyment of their properties," the suit says.

Among the problems, the suit says, is that the billboard ruins the group's enjoyment of the open space behind it - part of Reach 11 along the Central Arizona Project canal. The suit says the additional light has driven javelina from the open area into the neighborhood, creating dangerous

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conditions.

Wiggenhorn said his dog, a boxer, was attacked by a javelina as he walked in the open area behind his home.

Wiggenhorn, a handyman, said he enjoys the open space, but the billboard is affecting his enjoyment. He said he moved to the home because of the open space.

He said he appreciates the effort the city has made to keep the freeways, particularly Arizona 51 and Loop 101, beautiful. The billboard detracts from the beauty, he said.

"Why can't we have it pristine the way God meant it to be?" he asked.

Ausick said she and her husband, Rope, noticed the billboard from their second-floor bedroom window as soon as it began operating.

"It potentially affects my property value," she said.

A speech pathologist, Ausick said she and Rope moved to the home in December before the billboard went up.

"We just didn't like it," she said, "and if there was a chance to get involved, I said I would do that."

Rivera said CBS Outdoor has not been served with the suit yet. He said he wanted to wait on pursuing the action until the city's billboard study committee gets under way. He said he wanted to ascertain whether the committee was making progress before proceeding with the suit.

He said the suit would be pursued regardless of the committee's work.

The suit was filed May 26. Rivera has 120 days to serve CBS Outdoor.

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Phoenix

Phoenix adjustment board to discuss billboards, tall church

by Michael Clancy - Jun. 7, 2011 01:08 PM
The Arizona Republic

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The Phoenix Board of Adjustment will consider a controversial billboard issue plus several other items when it meets at noon Thursday. The board meets in the Phoenix City Council chambers, 200 W. Jefferson St.

CHURCH BUILDING

Representatives of St. Bernadette Catholic Church in northeast Phoenix will argue for the right to build a 65-foot building in an area where the maximum height allowed is 30 feet. The request was approved by a hearing officer, but a neighbor, Ricardo Carvajal, appealed. St. Bernadette is on 60th Street south of Bell Road.

BILLBOARD UPDATES

CBS Outdoor has a request to convert a trifold billboard, which has three signs built into rotating panels, to an electronic display. Arcadia area neighbors are opposed, saying the sign would open the door for electronic billboards in neighborhoods. The sign is at 4402 E. Indian School Road.

MEDICAL MARIJUANA

Two medical-marijuana appeals originally were on the agenda; one will be continued to the next board meeting, on July 7. The one that will be heard asks for approval to situate a medical-marijuana dispensary zero feet from residential zoning and 925 feet from a park. City ordinance requires 250 feet of distance to residential and 1,320 feet to a park. According to planner Larry Tom, Phoenix has yet to grant any variances from distance requirements for medical-marijuana operations, although the city has granted variances for proximity to other medical-marijuana facilities.

Phoenix**Phoenix voluntary billboard freeze in the works**

by **Michael Clancy** - Jun. 3, 2011 12:00 AM
The Arizona Republic

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3

The outline of a voluntary moratorium on billboard construction is taking shape as the Phoenix City Council won agreements from a developer and a billboard company to hold off on their plans until a city committee can consider revisions to the city's billboard ordinance.

The council on Wednesday was considering the John F. Long property called Algodon, which runs along both sides of Loop 101 between Thomas and Camelback roads in west Phoenix. The Algodon plan included four 110-foot billboards along the freeway.

Algodon proponents argued the development is needed to stimulate economic development for west Phoenix and that the billboards are needed to support the development. Several west Phoenix community leaders offered their support.

On the other side, billboard opponents said that including billboards in Algodon's planned urban development rezoning circumvented the normal billboard-approval process. They said the process is about to be addressed by a committee charged with revising the city's ordinance.

Opponents also argued that others could use the zoning category of planned urban development to place billboards in numerous locations where current law forbids them.

Councilman Claude Mattox appeared to support his west Phoenix neighbors in his comments. He said the process was appropriate and that neighbors were for the signs.

But he then asked attorney Jason Morris, who testified against the billboards, if Morris' client, American Outdoor Advertising, would back off plans to erect billboards north of Algodon's site in Glendale - at least until the study committee finishes its work.

Mattox also asked the company to hold off its plans to put billboards along Interstate 17 near Anthem.

American Outdoor, with co-owner Tom LeClair in attendance, agreed to both requests.

Councilman Bill Gates then asked American Outdoor to drop its legal action against Phoenix. The company had appealed the city's April rejection of its plans to put a billboard at Bell Road and Arizona 51, arguing that it was being held to different standards than a previously approved board at Loop 101 and 32nd Street.

American Outdoor, with Morris noting that the request was "highly unorthodox," agreed to drop the legal action.

Finally, Mattox asked the John F. Long representative, attorney Grady Gammage, whether the company would withdraw its request for billboards. General Partner Jacob Long agreed to that request.

After the meeting, Mayor Phil Gordon said he would ask the other billboard companies, Clear Channel and CBS Outdoor, to go along with a voluntary moratorium on billboards.

Representatives of all the billboard companies are taking part in the meetings regarding updates to the billboard ordinance.

Gordon and Planning Director Debra Stark already have been in discussions with the billboard companies about a possible "timeout" until ordinance updates are approved.

"At that time, they all said they would consider, but asked us to think about the logistics - when it would start, what if they had a permit in the works, how long of a timeout," Stark said. "We have been taking a look at that."

Stark said American Outdoor has one other billboard request in the works.

CBS Outdoor is attempting to win the right to convert a trifold billboard to electronic at 44th Street and Indian School Road. The proposal will be heard at the Board of Adjustment meeting Thursday.

CBS also has plans to convert a trifold at 30th Street and Bell Road to a digital billboard.

Clear Channel has requests in for an existing board at 1525 E. Washington St. and a new one at Interstate 10 and 67th Avenue.

Stark said it is unclear whether those boards would be held up.

An ordinance update is considered necessary because of the rise of electronic billboards, increased efforts to convert standard billboards to electronic, and successfully negotiated loopholes in the ordinance.

The committee that will study updates will look at other cities, the approval process and other matters. It is made up of attorneys, billboard-company representatives and residents. Its first meeting will be held Tuesday.

The city also is considering scenic overlays for the portions of Arizona 51 and Loop 101 in north Phoenix as a tool to discourage billboard requests.

Hearings have begun on those changes, and the Planning Commission will hear the case on Wednesday.

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Phoenix City Council to vote on whether to fight billboard

by Michael Clancy - Oct. 5, 2010 09:43 AM
The Arizona Republic



The Phoenix City Council will vote Wednesday on whether to fight approval of a billboard along Loop 101 in northeast Phoenix. The electronic board would be erected at 3038 E. Mohawk Lane, which runs along the northern side of the freeway east of Cave Creek Road.

The Board of Adjustment, made up of volunteers, approved the billboard request from CBS Outdoor in June, and declined to reconsider in July.

CBS Outdoor argued that 32nd Street north of the freeway ought to be classified an arterial street, even though it is not, and that the freeway impaired the ability of the landowner to enjoy the full benefits of his property. The board's action allowed the structure to rise 70 feet and to be oriented toward the freeway.

City law states no billboards will be allowed on city freeways, except Interstate 17 and the portion of Interstate 10 east of the I-17 junction near Phoenix Sky Harbor International Airport. City ordinance also requires that any billboard must be situated along an arterial, or major, street, and be within specific zoning. The northeast Phoenix site has the proper zoning.

Talks with CBS Outdoor about withdrawing its request apparently have failed. So city staff is recommending the council proceed with the appeal of the board's action in Maricopa County Superior Court. Another

billboard case, at Arizona 51 and Bell Road, likely will be affected by the outcome.

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PHOENIX

Planning panelist opposes billboard

By Michael Clancy

THE ARIZONA REPUBLIC

A member of the Phoenix Planning Commission has filed suit to stop CBS Outdoor's plans to erect a billboard along Loop 101 in northeast Phoenix.

James Mapstead, who also serves on the Paradise Valley Village Planning Committee and the Sunnyslope Village Alliance, and his wife, Jill, are seeking:

» An injunction to stop the issuance of building permits.

» Judgment against the Phoenix Board of Adjustment, asking the court to reverse the board's June 3 decision to allow the billboard.

The billboard would be erected east of Cave Creek Road at Mohawk Lane and 32nd Street, next to the freeway. CBS Outdoor would own the structure.

The suit follows a City Council narrow vote Oct. 6 to drop a city lawsuit appealing the Board of Adjustment decision.

"The bottom line on this billboard is that it definitely would be precedent-setting," said Mapstead, who owns a sign business. "Every mile of freeway would be fair game."

The lawsuit, filed Oct. 12, argues that the Board of Adjustment made erroneous findings and ignored the law and evidence.

"The board's actions were arbitrary, capricious, and an abuse of its discretion," the suit argues. "The board's actions were in excess of its jurisdiction and legal authority."

Further, the suit says, permitting the sign would impair Mapstead in his duties as a planning commissioner.

Mapstead's attorney, Jon Paladini, said an initial hearing will be held Wednesday in the Mesa courtroom of Judge John Ditsworth.

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Electronic billboard rules would restrict locations, limit brightness

Ordinance now needs approval from City Council

Wednesday, June 01, 2011

By Sam Butterfield, Pittsburgh Post-Gazette

After much debate and arguments for both tighter and more lax regulations from concerned parties, the city planning commission on Tuesday approved an ordinance regulating electronic advertisements, passing the measure with a 4-2 vote.

The ordinance now goes to City Council, which will determine the bill's fate.

Under the ordinance, digital signs will be able to flash messages eight times per minute, four times more than the initial draft of the bill would have permitted, and signs will be illuminated at brighter levels both during the day and at night than the first draft would have allowed.

Existing digital signs will be allowed to operate at their current brightness levels, but if sign owners or operators wish to erect new electronic billboards on existing sites, they will have to comply with the new regulations. Electric signs that lie in the path of sunlight and those with other complications will be permitted to apply for special exceptions granting them the right to run at higher brightness levels.

No electric signs will be allowed in areas of the city zoned as parks, residential, local neighborhood coalition, or hillside, as residents and planners alike worried about so-called light pollution forcing unwanted shadows and hues onto city residents.

Among those who spoke at Tuesday's three-hour session were several Downtown residents, who voiced opposition to any digital billboards in the city, attorneys representing the advertising firm Lamar, which owns most of the digital billboards in Pittsburgh, and the Penguins, who worried they would not be able to rebroadcast games on outdoor Jumbotron screens if the bill to pass.

Downtown residents John Rohe said "there is something deeply offensive about digital billboards and the effect they have on the community."

Architect Kevin Wagstaff, of the Downtown firm Perfido, Weiskopff, Wagstaff and Goettel, said he and members of Pittsburgh's architecture community feel adding such displays, which jockey for space with natural vistas, would detract from Pittsburgh's natural beauty and allure.

"Billboards seek visual prominence and destroy long vistas and open spaces, and digital billboards do so even more," he said. "Pittsburgh has transformed its riverfronts and open spaces into something appealing, and allowing digital billboards would be a move backward."

Members of some local businesses felt the new rules could interfere with their ability to advertise themselves and draw vital business into the city.

Rebecca White, real estate development director of the Pittsburgh Cultural Trust, said regulations on brightness could keep Pittsburgh's theaters from utilizing vibrant, illuminated displays, and restrictions on using electrified temporary signage could impede the trust's ability to direct visitors to major events like First Night.

Attorneys Jonathan Kamin, representing Lamar, and Jeff Wilhelm, representing the Penguins, argued the regulations would hurt their clients.

Mr. Kamin called for looser regulations allowing for brighter signs both by day and at night, while Mr. Wilhelm called for the commission to allow the Penguins to show their games in public on a large video board. Commission members said the ordinance would not stop the Penguins from putting on such events, but that the board could only be a television screen, and not an ad space.

The new brightness requirements will remain in place for one year and then will come up for review by the planning commission, which will have the ability to make recommendations for changes. A second review will take place in two years.

Sam Butterfield: sbutterfield@post-gazette.com

First published on June 1, 2011 at 12:00 am

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Setting Boundaries for Internet Privacy

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Digital billboards signal battle on Jacksonville regulations

They have officials debating the advertising restrictions.

Posted: December 13, 2010 - 1:00am

By David Bauerlein

The possible arrival of digital billboards in Jacksonville is opening a new battle in how the city regulates billboards.

Clear Channel Outdoors has won approval of city attorneys to install digital billboards - that could change messages every eight seconds - at eight locations in Jacksonville.

But the plan faces fierce criticism by opponents who say it violates a 1995 settlement limiting billboards in the city.

Watch: Clear Channel comparison of vinyl versus digital billboards

Bill Brinton, an attorney for Scenic Jacksonville, the nonprofit group that pushed the billboard restrictions when voters approved them in a City Charter election, said the legal settlement of those regulations never contemplated digital billboards being allowed in Jacksonville.

"I know this: It's a violation of the settlement agreement," Brinton said.

Digital billboards are the newest innovation in the billboard industry. Clear Channel sells advertising space on digital billboards in 31 metropolitan areas nationwide, according to the company's website.

In Florida, Clear Channel has 26 digital billboards in the Orlando area and 16 in the Tampa area. A smaller number of billboards are in Miami, Ocala and Melbourne.

Clear Channel officials say other than being able to frequently change messages electronically, the advertisements posted on digital billboards closely resemble regular billboards.

"From an appearance perspective, there will be no difference," company spokesman Michael Munz said.

During the time a particular advertisement is posted on the billboard, the advertisement is motionless. The digital billboards do not stream video, change colors or having moving images while displaying a particular advertisement, Munz said.

City attorneys have determined Clear Channel can install the digital billboards under a provision in the settlement agreement allowing the company to "rebuild and replace" some billboards.

But Brinton and Tracey Arpen, an attorney who represented the city in the 1995 settlement, said digital billboards go beyond the intent of the agreement. In a letter to Mayor John Peyton, Arpen called digital billboards "huge 672 square foot television screens."

"It's like they're regulated to rebuild a fleet of bicycles and they're building a Harley-Davidson instead," Arpen said.

He and Brinton said the city's Office of General Counsel got it right when a city lawyer determined a year ago the settlement agreement does not allow digital billboards.

In August 2009, a letter by Deputy General Counsel Shannon Eller, who no longer works for the city, weighed in on four applications by Clear Channel for digital billboards at four locations. She said the settlement agreement does not allow digital billboards because they are a different type of construction.

Clear Channel tried again by filing eight applications last month. Karl Sanders, an attorney for the company, said the advertising area on a digital billboard would be the same dimension as a vinyl billboard and therefore complies with the settlement agreement. Sanders' letter said the settlement agreement does not refer to the kind of materials used in the advertising area of the billboard so it does not bar digital technology.

On Dec. 2, Deputy General Counsel Steve Rohan sent an e-mail to Arpen stating Eller's opinion from last year is "not controlling" on the current legal review.

"We believe that the applications are not in violation of the billboard agreement, and subject to all other requirements, may be approved by the city," Rohan wrote.

The applications for digital billboards touch on another issue facing the city regarding how often operators of electronic signs can change their messages.

The city's planning department and building inspection division have interpreted the sign ordinance to mean the electronic signs cannot change messages more frequently than once every three minutes. But the actual language isn't spelled out in that ordinance and the city has not enforced the

restriction on signs, which are widespread in Jacksonville.

In October, City Council members rejected proposed language that would have clearly stated that electronic signs could not change messages more than once every three minutes.

A bill filed last week by City Councilman Dick Brown would set the limit for frequency of changes at no more often than once every eight seconds. Brown said that would allow owners of the signs to keep using them as they expected they could.

"Those message boards are pretty useful," he said. "Schools use them and churches use them, as well as businesses."

He said the "Las Vegas type of flashing, in-your-face" displays would be prohibited.

Brown said he expects part of the debate over the legislation will be whether the proposed eight-second rule or some other time restriction should apply to changing messages on digital billboards.

The proposed eight-second rule would not trump sign ordinances at the Beaches. For instance, Jacksonville Beach's regulation says electronic signs cannot change messages more often than once every 24 hours. Atlantic Beach limits changing messages to the time and temperature.

Brinton said it makes no sense for Jacksonville to have such a different standard from the Beaches for electronic signs.

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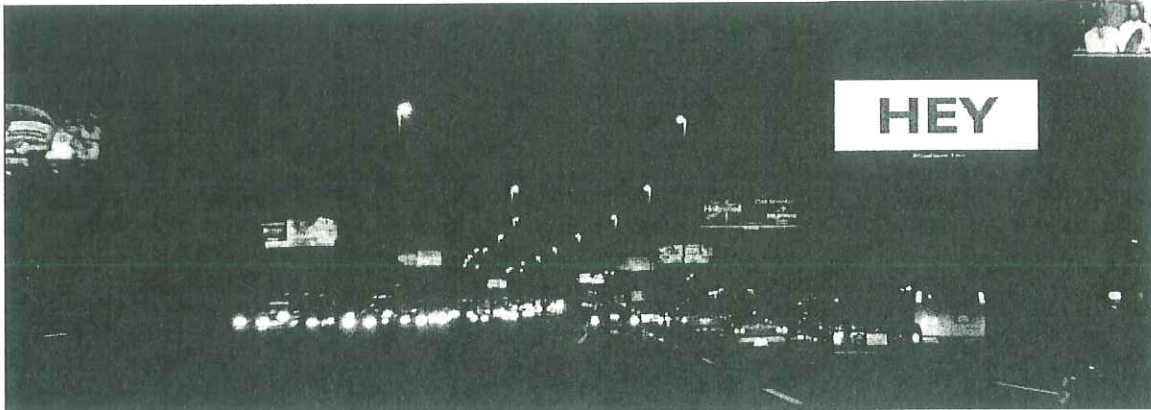
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Digital Billboards: New Regulations for New Technology

A reprint of the Illinois Coalition for Responsible Outdoor Lighting website page at <http://www.illinoislighting.org/billboards.html>

State, county, and municipal leaders across the U.S. are finding themselves with a new issue on their agendas: the latest generation of outdoor advertising signage, the digital billboard. Also known as LED or electronic billboards, dynamic signage, constantly variable signs, and other names, these signs are a whole new ballgame in outdoor advertising.

The digital technology features two major changes from the old "static" signage, which is graphics painted or printed on a surface. The image in the digital sign is displayed by a myriad of colored "lightbulbs" (light-emitting diodes, or LEDs, actually). So while the static sign is visible from daylight reflecting off it (or artificial lighting at night), the digital image shines out, akin to a television set. In the digital signs, the image is supplied to the sign by a computer; the image can be varied at will, right up to functioning as a Hi-Def television display. These two properties -- potential for both intense surface brightness and motion -- pose questions to safety and esthetics issues beyond those raised by the old static signs, and require new analysis by agencies tasked with regulating outdoor advertising.



Digital display technology (as in this artist's conception) allows for much greater surface brightness than old "static" signage, and sudden changes in display.

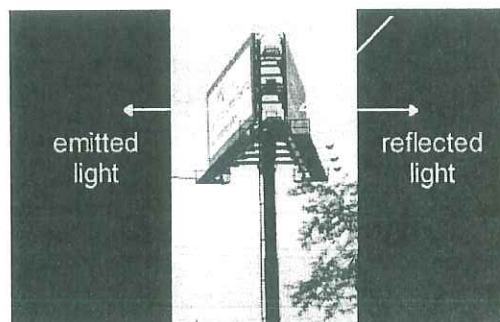
It makes sense to start off this discussion by addressing the topic of digital billboards and the future. The large outdoor advertising companies have embraced this technology as the replacement for static signage; in their book, it is the technology which is here to stay. To quote a promotional video from the Trans-Lux company, *"Nothing's as eye-catching as an electronic LED display. The brightly-lit text and graphics can be seen from hundreds of feet away, drawing the attention of everyone within view."* Space on the electronic signs is marketed as being superior to that on static signs; it can cost as much or more to run your company's sign on the digital billboard as to rent a static one, even though your sign may only be shown a small percentage of the time on the digital display, alternating with as many as eight or more others. While the investment in a

digital sign is a large one (often quoted as \$250,000 - \$500,000), the anticipated return is great. Overhead costs are also cut for the advertising companies; when signs are designed, they no longer need to be printed, and then installed by a crew in the field; at the click of a computer mouse, the sign graphic is wired or radioed to the digital billboard for display. The companies in the multi-billion-dollar outdoor advertising field have a large financial incentive to change most outdoor signage from static to digital over the coming years.

Why is our coalition for responsible outdoor lighting discussing the subject of digital billboards? There are a few issues which directly involve questions of illumination which we address. The signs emit light into the nocturnal environment, potentially including residential and natural areas and the sky; they consume large amounts of electricity; their presence can affect public safety, most commonly by distracting drivers (which, after all, is the signs' precise intent and purpose). To understand these issues, and consider ordinances which should regulate the placement and operation of these signs, we need to understand the details of how the various effects are measured. Unfortunately, this is not common knowledge; state and local managers may not be familiar with principles and metrics which apply. Our intent in this paper is to provide some practical definitions, and cite sensible, logical and defensible levels of regulation.

LUMINANCE

Luminance is a measure of the perceived brightness of a surface. This differs from *illuminance*, which is a measure of the amount of light falling onto a surface. Luminance is a key measurement when analyzing surfaces which emit light, like a computer or television screen, or a digital billboard. Luminance, with this sort of light-emitting device, is controlled by the settings of the device itself. Illuminance is what allows us to see items which don't emit light; light (illumination) coming from other sources reflects off the object, rendering it visible to us; illuminance is determined by the brightness and location of the external light source(s). But any object which we can see has a specific level of surface brightness or luminance. A computer screen turned up to high brightness puts out more light per square inch of its surface than when it is set to low; a piece of paper in the full sun reflects more light per square inch than one in candlelight. The two billboards in the photo above each present a certain surface brightness to the observer's eye, whether they emit light like the digital one on the left, or reflect light like the "static" one on the right.



Illuminance (illumination) is usually measured in units of foot-candles or lux; *luminance* (surface brightness) is most often measured in *nits* or *candela per square meter* (cd/m^2), which are equivalent. (For further discussion of these units or any other technical terms used in this paper, see our website's [Encyclopedia of Terms](#) page.)

Luminance plays a critical role in how a sign like a billboard interacts with the environment around it. During the daytime, a static billboard lit by the natural daylight

will appear to the eye to have a brightness which "fits in" with its surroundings; it will not cause excessive distraction because of an unusual level of luminance. (Perception studies show that having something in our field of vision which is either much brighter or darker than its surroundings causes an involuntary shift of our vision to the object.) A digital sign which is set to a luminance level higher than that of the other objects around it, which are lit by daylight alone, can potentially draw a driver's eyes to the sign when they need to be looking elsewhere to safely operate their vehicle; levels can even be so high as to cause vision-disturbing glare.

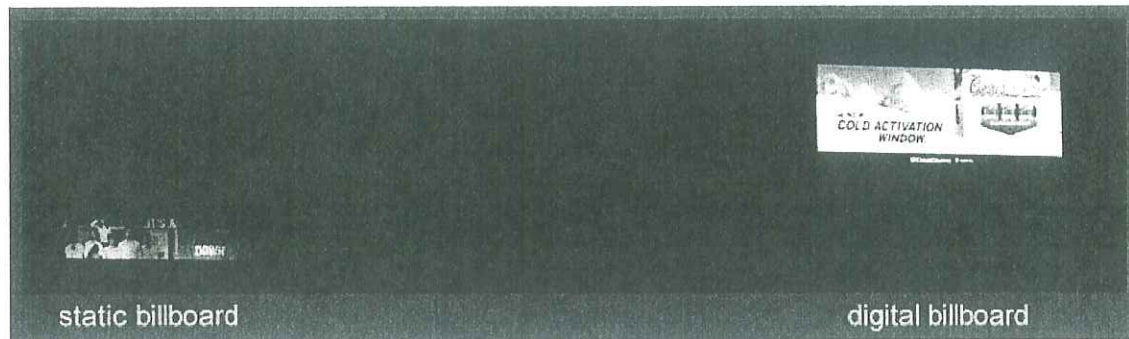
The luminance level which a digital sign needs to be set at to be visible in the daylight is far above that needed at dusk or night. This effect can be seen with other luminous displays, such as on cellphones and laptop computers; brightness levels which seem high indoors are totally inadequate outside in the much brighter direct sunlight. The eye of the driver at night compensates for lower light levels by becoming more sensitive to light; it is even more easily distracted, dazzled, and even disabled by an overly luminous object than the daytime eye is.

SAFE AND SENSIBLE LIMITS FOR LUMINANCE

While an advertiser's desire might be to draw everyone's attention, for as long as possible, in the most potent methods possible, logic dictates that it is not in our best interest to have people who are at the moment operating motor vehicles (and hopefully practicing defensive driving, monitoring all the other vehicles and activity around, ahead, and behind their vehicle) be inordinately distracted from that task by advertising or anything else not related to safe driving. While this goal does not in itself dictate specific limits to the luminance level of electronic signs, it suggests a logical course for deriving such limits.

For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static billboard. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight.

At dusk and nighttime, a logical conclusion would be that new digital billboards do not need to operate at higher surface brightness than the static ones which they are replacing. The outdoor advertising industry has not, for decades, been telling its customers that their nighttime advertising is ineffective; quite the contrary. So, what could be the rationale for setting nighttime luminance limits which are higher than the brightness of the existing static signs? However, if such limits are not set, it seems that the advertising industry will be pushing the envelope out further and further, increasing the distractive effects of the digital signs, the potential disruption of visual perception, and the flooding of the surrounding neighborhoods with excess light.



The single photograph in the frame above, taken May 24, 2010, shows two adjacent billboards; the one in back (left) a static sign, lit from below by metal halide luminaires, which obviously has a lower surface brightness than the one in front (right), which is digital.

From independent surveys of static billboards, we have a good summary of levels of surface brightness that those signs are currently commonly operated at. A 2009 survey of static billboards in Arizona found that, out of 565 measured, 98% had a luminance of less than 150 nits, and 83% measured below 100 nits. A smaller 2008 survey¹ in New York State found an average nighttime luminance of 124 nits for static billboards.

The IESNA Lighting Handbook² recommends for "illuminated billboards and other large advertising panels", illuminating such signs at night with 1000 lux in bright locations, and 500 lux for ones in dark surroundings. Assuming that a static billboard has a white face with a reflectance of 0.8, the luminance of such a billboard would be 250 nits in the setting (1000 lux) for brightly illuminated surroundings, and 125 nits in the low-light setting (500 lux illumination). Many digital billboards are mounted on tall masts, above the driver/viewer, so they appear to "hang in the sky"; at night, this would place them against that dark background, making the darker-surroundings setting appropriate.

MEASURING LUMINANCE

The Outdoor Advertising Association of America (the trade group of the billboard industry) hired Dr. Ian Lewin, CEO of Lighting Sciences, Inc. to write a report on "Digital Billboard Recommendations and Comparisons to Conventional Billboards"³. The report proposes both a set of sign brightness limits, and a methodology for estimating sign brightness. The report is widely cited by the billboard industry as the be-all, end-all of expert opinion on the matter of sign brightness and safety, but we find it to be notably flawed in several aspects.

Luminance can be directly measured with a special instrument called a luminance meter. It works much like a camera, focusing on the surface which one is determining the brightness of, and measuring that surface's light output per angular degree of area. Lewin suggests that these meters, which may cost several thousand dollars, are too expensive for local sign installers and regulators to obtain. Therefore, instead of direct measurement with a luminance meter (like the one shown on the right),



he suggests obtaining an approximate measurement by using a more common, generally less expensive *illuminance* light meter (as shown below). While the cost savings suggestion is laudable, the proposed indirect method contains several flaws when applied to real-world situations, leaving it, in our opinion, too lacking to use anywhere outside of the theoretical laboratory. Lewin's method involves positioning the observer with the light meter a known distance in front of the sign in question, and taking one measurement of all the light falling on the light meter while the sign is illuminated, and another reading while the sign is turned off. The difference between the two measurements should be the contribution of illuminance from the sign, and if you know the exact overall size of the sign, and just how far from the sign the measurements were taken, you can compute the approximate average surface brightness of the sign.



With a luminance meter, surface brightness can be measured from any (unspecified) distance, as long as the surface to be measured fills the field of view of the meter. With the indirect method, you need to know the distance precisely, and to use Lewin's "easy" table of calculation, the distance has to be a pre-set value, like 200 or 250 feet. In the real world, billboards are often located in hard to reach spots; 200' in front might be a private property, a highway, a pond, etc. To measure the

distance in most situations, a tape measure would not be practical; either a laser rangefinder or a precise GPS unit would be needed; purchasing that equipment would notably reduce the cost difference between the luminance and illuminance meters.

With the luminance meter, the brightness measurement can be taken in any condition of ambient light -- bright or cloudy day, dusk, or night. With the illuminance method, daytime light levels will overpower the light readings; separating out the contribution from the sign will be next to impossible to do to any level of accuracy. Finding this flaw in Lewin's proposal is not surprising, because he does not address the subject of limiting luminance during the daylight hours. When discussing digital billboard technology, this is a glaring omission (no pun intended). Current production models of LED displays can achieve surface brightness of over 13,000 nits⁴; this is intensely bright in the daylight, especially on overcast days. (As a comparison, the bright blue daytime sky ranges from around 5,000 to 7,000 nits in luminance.) We need to set limits for daytime sign luminance, too, and to be able to measure that performance.

With the luminance meter, the apparent surface brightness can be measured at any angle; this includes taking measurements directly from whatever areas of roadway where the sign will be in view. If the Lewin measurement is taken from the ground in front of the sign, that will often place the observer notably below the sign (billboards along roadways often being mounted high off the ground, especially those installed along elevated highways). The light emanating from digital billboards is somewhat directional; it is notably more intense along an axis extending out perpendicularly from the sign's face, and drops off in intensity as the angle away from that axis increases. The observer at ground level, often 30 feet or more below the lower edge of sign, will not be intercepting the most intense output of light.

The Lewin method requires manipulating the sign display, to take one reading with the sign on, and one with it off. This precludes the ability to independently measure sign luminance for code enforcement, because the sign operators will be choosing the luminance settings during the test. With a luminance meter, any sign can be checked for compliance at any time, without requiring the involvement of the sign owner/operator.

LIGHT TRESPASS

Light trespass is an issue related to the luminance of a light source, but it is generally measured in a different way. Instead of considering the surface brightness of the source (which needs to be regulated separately, as described above), trespass is looked at in terms of the level of illumination (illuminance) which the light source on one property shines onto another property. So for this value, we do look at foot-candles (or lux) of illuminance, generally at the property line of the property being trespassed upon; we do measure it directly with the illuminance light meter. (Illuminance trespass can also be calculated during engineering with computer modeling, by inputting the light output levels and pattern of the light source(s), and the physical layout of the properties involved.)

In his paper, Lewin uses the term "light trespass," but not in the way which it has normally been addressed in outdoor lighting regulation. He posits a set of distances away from the billboards at which to measure illuminance levels, rather than using the fairly standardized concept of property boundaries. His measurement points (at as far as 350' from the sign) might end up being on the same parcel which the sign in question is located on, or the next one over, or one beyond that. This points out a major difference between sign illumination and most other outdoor illumination; the latter generally serves the purpose of illuminating the property it is installed on; the former (signs) are often intended expressly to illuminate (be seen from) adjoining properties, or across entire neighborhoods.

So, comparing the Lewin proposal for limiting "trespass" to the traditional concept of limiting light trespass is difficult. He arrives (through, I might add, what seems to be an elaborate use of cherry-picked logic) at a figure of 0.3 foot-candles as his recommended limit for nighttime trespass at his table of random distances out in front of various billboard sizes. This shouldn't be mistakenly equated with the location of a neighboring property; if there was 0.3 f.c. at 350', but a house was only 175' away, the trespass level to that house would be four times higher.

Trespass should be measured to property lines. Admittedly, this puts billboards at a disadvantage; it is not uncommon for them to be located on parcels which are barely larger than the footprint of the signs themselves. But why should they be allowed to light up adjacent properties any more than any other form of artificial illumination?

Some municipalities, townships, counties and states have light trespass regulations. For trespass on to properties with any residential class of zoning, a limit of 0.1 foot-candles is not uncommon. In Illinois, some jurisdictions which have the 0.1 f.c. limit include Barrington Hills, Crystal Lake, Elk Grove, Homer Glen, Mt. Prospect, Mt. Vernon, Naperville, Palatine, Park Ridge, Springfield, Urbana, and even Scott Air Force Base.

MOTION & DISTRACTION

Digital signs have the ability to display anything which a television or computer monitor can, including "moving images". It is obvious that a Panavision movie playing along side a highway would constitute a grossly unsafe distraction hazard for vehicle operators. The Outdoor Advertising Association of America has accepted that concept, and in its Code of Industry Practice now states that full-sized billboards should not feature animation, flashing lights, scrolling, or full-motion video. This self-imposed code of conduct is laudable, but is missing (at least) two key points.

First, they limit their suggestion to not use moving images to full-sized billboards only. It is fine with them if "street-sized" signs along the roadways in our busy towns and cities feature any sort of animation or television-like video. Apparently, they believe that roadway accidents caused by distraction only occur on highways.

Second, when one image changes to another on a sign within a person's field of view, the viewer's visual system perceives that change as motion, even though the two images themselves were "static." (This is how motion pictures operate; they present the viewer a series of static images, and the mind "sees" motion.) If there is one sign ahead of us, and it turns into another, what we perceive is a flash, and/or movement. So, paradoxically, the billboard companies say they won't operate flashing or moving billboards, but they cannot avoid those effects if they change the displayed images while we are watching. They also display ads which continue on multiple "frames," encouraging the viewer to stare at the sign for a prolonged time to see the next installment.

OTHER REAL-WORLD CONCERNS

In addressing the issue of *sky glow* (the "light pollution" which emptied the nighttime sky of most of its stars over our towns and cities over the past few decades), Lewin notes that most digital billboard units feature a set of louvers which limit the amount of light they project upwards. In reality, those louvers are installed to shade the light-emitting diodes from sunlight, to increase the contrast of the signs during the day and reduce solar heating. But, they do reduce the amount of light shining "up."

However, the light projection at lower angles above the horizontal is not impeded by the louvers. As described in the seminal paper "Lighting and Astronomy" by Luginbuhl, Walker & Wainscoat⁵, light emitted between the horizontal and just 20° above it contributes much more to skyglow than light emitted at higher angles, and that low-angle light's effects are visible over a much broader area. So, the sunshade louvers built into many digital signs do little to minimize their impact on the night sky.

The outdoor advertisers like to point out some studies (most of which they commissioned) which show negligible *traffic safety* problems related to existing digital signage. But this is new technology; we don't have enough real-world data to make accurate judgments yet. There are vast numbers of billboards in the U.S. (the OAAA estimates 450,000), and only a tiny fraction have been converted to digital. Short-term analysis of that small percentage will not address the safety effect that large-scale, long

term installation will have. Picture an Illinois highway which already has a bewildering display of billboards, like stretches of I-294 and I-55 near Chicago, with all of those signs converted to digital, changing displays. Now picture it with all those displays turned up to excessive brightness. Many of us can discern that such a situation would pose increased driving hazards, without the need for a study, or for the accidents, injuries and fatalities which might occur during the study period.

The big "selling point" which the outdoor advertising companies use is that the digital signs may be used for posting **Amber Alerts** in real-time. This is a genuine public service, and is lauded by many in law enforcement. However, operating roadside signs every day and night at levels of brightness which makes them too highly distracting could negate the public safety positives of Amber Alerts by increasing everyone's risk of accident and injury in the vicinity.

We have heard some people suggest that there are **other distraction hazards** on the roads which pose greater dangers, like drivers talking on cell phones, text messaging, eating, reading, etc. Yes, those are obvious real hazards. But their existence does not somehow make it logical that we should add even more distractions on the roadways of this country. Over thirty thousand people die each year here in traffic accidents; this is a horrible epidemic, and we need to be figuring out how to combat it, rather than shrugging off safety concerns.

In the real world, once digital billboards are installed, most local regulatory agencies will find it **virtually impossible to ever remove them**. If they were allowed by existing regulations (or lack thereof) to be installed, even removal called for by a change in those regulations will generally require condemnation procedures to be instituted; that will entail the governmental body purchasing each offending sign from its owner. At a quarter to a half of a million dollars per sign, this cost is not affordable to most local governments, no matter how objectionable they or the citizens of the area have found the signs to end up being, how the land usage in the areas around the signs has changed over time, or if signs need to be removed because of road widening or other civic projects.

SUMMARY

Our organization is not "anti-billboards". We believe that the residents of each jurisdiction should decide what sort of outdoor advertising should be allowable in their neighborhoods.

We are also not beholden in any way to the outdoor advertising industry, or any related trades; we accept no contributions of any sort from these industries. Nor does our organization or any of its board members stand to gain or lose anything of monetary value based on the successes or failures of the outdoor advertising industry.

Our charter, as explained elsewhere across this website, is to speak as independent advocates for safe, environmentally responsible outdoor illumination practices, including a focused look at energy conservation. Filling that charter, we have studied the potential real-world ramifications of digital sign technology, including a focus on practical

engineering (rather than vague theory) and on precedents which can be derived from other, well-established technology. Our recommendations for ordinances to govern the installation and operation of digital signage include the following:

- All digital signage visible from roadways (not just billboard-sized signs) should only be allowed to display non-animated images, and each image must be displayed ("dwell") for a minimum of ten seconds. Longer delay times should be set by local regulation as is needed in specific installations where distraction hazards are especially high.
- All self-luminous outdoor signs should be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA). If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or regulations may require an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
- Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
- Outdoor signage should obey light trespass regulations. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles should be enforced, at the property line.

Considering the effect which large-scale outdoor signage may have on property values and quality of life issues, regulatory bodies should require public notification and allow public comment when sign permits are applied for, including requests to convert existing static billboards to digital.

Currently, some outdoor advertising companies are offering local regulators a "swap-out plan", where they will remove more than one square foot of existing static billboards for each square foot of replacement digital billboard. From an environmental perspective, such an overall reduction in illuminated signage could be an advance. But ***that only true if the new signage is no brighter, per square foot, than what it is replacing!*** Without regulation to enforce those operating parameters, digital signage may generate

negative environmental and safety impacts many orders of magnitude worse than the old signage it is poised to replace.

UPDATES:

Since this article was written, some good additional resources have become available. The article "[Digital Signage and Philadelphia's Green Future](#)" by Gregory Young provides an excellent overview of digital signage, and focuses in depth on the substantial energy consumption by such signs -- tens of times larger than that of conventionally illuminated "static" signs.

An initial draft of the study "[Digital LED Billboard Luminance Recommendations: How Bright Is Bright Enough?](#)" by Luginbuhl, Israel, Scowen, Polakis & Polakis has been made available here for distribution; it covers many of the same issues addressed in this article, and includes substantial real-world measurement of existing sign illumination to provide a baseline in the discussion of brightness needs and limits.

¹ "Evaluation of Billboard Sign Luminances", Lighting Research Center, Rensselaer Polytechnic Institute, March, 2008 ² "IESNA Lighting Handbook, Ninth Edition, July 2000, Mark Stanley Rea, ed. ³ "Digital Billboard Recommendations and Comparisons to Conventional Billboards", Ian Lewin Ph.D., FIES, L.C., Lighting Sciences, Inc., 2009 ⁴ "P20 Outdoor Full Color LED Display", Shenzhen Only Optoelectronic Technology Co., Ltd. website, June, 2011 ⁵ "Lighting and Astronomy", Luginbuhl, Walker & Wainscoat, Physics Today, December 2009